

SUNRISE, FLORIDA

ORDINANCE NO. 251-05-A

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING CHAPTER 4, ARTICLE II, DIVISION 2 ENTITLED, "PIT BULL DOGS" TO REVISE AND UPDATE THE REGULATIONS RELATING TO VARIOUS SECTIONS OF THE CHAPTER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 4, Article II of the Code of Ordinances establishes guidelines and regulations relating to the ownership of pit bull dogs; and

WHEREAS, Section 4-48 of Chapter 4, Article II requires owners of a pit bull dog to obtain and maintain liability insurance or a surety bond in an amount not less than \$300,000 covering any damage or personal injury that may be caused by such animal; and

WHEREAS, insurance companies, including high-risk insurers, no longer write insurance coverage for owners of pit bull dogs; and

WHEREAS, due to the hardship placed on owners to obtain the required liability insurance, the City's requirement should be eliminated; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. Chapter 4, Article II, Section 4-46 entitled, "Pit Bull Dogs" is hereby amended to read:

Chapter 4

ANIMALS*

*** * ***

ARTICLE II.

DOGS*

*** * ***

DIVISION 2.

PIT BULL DOGS

Sec. 4-46. Intent and purpose.

This division is intended to utilize the authority and powers of the city in order to secure for the citizens of this city the protection of their health, safety and welfare. It is intended to be applicable to dogs which are commonly referred to as pit bulls and which are defined herein. This section is designed to regulate these pit bull dogs and to ensure responsible handling by their owners through registration, and confinement. ~~—, and liability insurance.~~ The unique history, nature and characteristics of pit bull dogs have been determined to require the special regulations and provisions contained within this division which the city commission hereby finds reasonable and necessary.

Section 2. Section 4-48 of the City Code is hereby deleted in its entirety:

~~**Sec. 4-48. Liability insurance or other evidence of financial responsibility required to be maintained by owners.**~~

~~In order to protect the public and to afford relief from~~

~~the severe harm and injury which is likely to result from a pit bull dog attack, every owner of a pit bull dog shall, at all times that he owns the dog, provide evidence of his financial responsibility and ability to respond in damages to and including the amount of three hundred thousand dollars (\$300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such dog. Proof of ability to respond in damages shall be given by filing with the code enforcement department a certificate of insurance from an insurance company authorized to do business in the state, stating that the owner is and will be insured against liability to respond in such damages, or by posting with the city a surety bond conditioned upon the payment of such damages during the period of such registration or other equivalent evidence of financial responsibility such as a personal bond secured by a mortgage in real property or security interest in personal property.~~

Section 3. Section 4-50 of the City Code is hereby amended to read:

Sec. 4-50. Registration.

(a) In order to ensure that owners of pit bull dogs are in compliance with the requirements of this division and to assist in ensuring compliance therewith, every owner of a pit bull dog in the city shall register the dog with the code

enforcement department. The registration shall include the following: name, address and telephone number of the dog's owner; the address where the dog is harbored, if different from the owner's address; a complete identification of the dog, including the dog's sex, color and any other distinguishing physical characteristics; and proof of rabies vaccination; ~~and proof of the liability insurance or other evidence of financial responsibility required pursuant to this division.~~

(b) Newly acquired pit bull dogs shall be registered with the code enforcement department no later than seventy-two (72) hours after acquisition.

Section 4. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 6. Inclusion in the City Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 7. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this 26TH DAY OF JULY, 2005.

PASSED AND ADOPTED upon this second reading this 9TH DAY OF AUGUST, 2005.

Mayor Steven B. Feren

Authentication:

Felicia M. Bravo
City Clerk
FIRST READING

SECOND READING

MOTION: SCUOTTO
SECOND: HARLEM

MOTION: SCUOTTO
SECOND: HARLEM

ALU: YEA
HARLEM: YEA
ROSEN: YEA
SCUOTTO: YEA
FEREN: YEA

ALU: YEA
HARLEM: YEA
ROSEN: YEA
SCUOTTO: YEA
FEREN: YEA

Approved by the City Attorney
As to Form and Legal Sufficiency.

Kimberly A. Register